

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the
bankruptcy estates of Akorn Holding Company
LLC, *et al.*,

Plaintiff,

V.

CENCORA, INC. f/k/a
AMERISOURCEBERGEN DRUG
CORPORATION, MWI VETERINARY SUPPLY
CO.,

Defendants.

Adv. Proc. No. 24-50043 (KBO)

Related Adv. D.I.: 1, 38 & 48

**CERTIFICATION OF COUNSEL REGARDING
SECOND AMENDED SCHEDULING ORDER**

The undersigned counsel to the above-captioned plaintiff (“Plaintiff”) and defendants (“Defendants”, and together with Plaintiff, the “Parties”) hereby certify as follows:

1. On April 15, 2024, Plaintiff commenced the above-captioned adversary proceeding by filing the *Complaint for (I) Payment of Goods Sold and Delivered, (II) Breach of Contract, (III) Account Stated, (IV) Unjust Enrichment (In the Alternative), (V) Turnover of Accounts Receivable, and (VI) Disallowance of Claims* [Adv. D.I. 1] (the “Complaint”).

¹ The Debtors in these Chapter 7 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Akorn Holding Company LLC (9190); Akorn Intermediate Company LLC (6123) and Akorn Operating Company LLC (6184). The Debtors' headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

2. On April 17, 2024, Plaintiff served the Complaint, together with the Summons filed on April 17, 2024 [Adv. D.I. 8], on Defendants.

3. On November 15, 2024, Defendants filed a motion to dismiss counts five and six of the Complaint [Adv. D.I. 48].

4. Pursuant to rule 7007-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), the deadline for Plaintiff to file its answering brief to Defendants’ motion to dismiss is November 29, 2024 (the “Response Deadline”).

5. The Parties have agreed to further extend the Response Deadline through and including December 13, 2024, and to extend all forthcoming deadlines set forth in the *Amended Scheduling Order* [Adv. D.I. 38] as set forth in the second amended scheduling order attached hereto as **Exhibit A** (the “Proposed Order”).

6. Pursuant to Local Rule 7012-2, the Parties respectfully request that the Court enter an order, substantially in the form of the Proposed Order, extending the Response Deadline and Scheduling Order deadlines.

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WHEREFORE, the Parties respectfully request that the Court enter the Proposed Order at its earliest convenience.

Dated: December 3, 2024

SAUL EWING LLP

/s/ Evan T. Miller

Evan T. Miller (DE Bar No. 5364)
Paige N. Topper (DE Bar No. 6470)
1201 N. Market Street, Suite 2300
Wilmington, DE 19801
Telephone: (302) 421-6800
evan.miller@saul.com
paige.topper@saul.com

and

Michelle G. Novick (admitted *pro hac vice*)
161 North Clark Street, Suite 4200
Chicago, IL 60601
Telephone: (312) 876-7899
michelle.novick@saul.com

and

Turner N. Falk (admitted *pro hac vice*)
1500 Market Street, 38th Floor
Philadelphia, PA 19102
Telephone: (215) 972-8415
turner.falk@saul.com

Counsel to Plaintiff

**KLEHR HARRISON HARVEY
BRANZBURG LLP**

/s/ Michael W. Yurkewicz

Michael W. Yurkewicz (DE Bar No. 4165)
Alyssa Radovanovich (DE Bar No. 7101)
919 N. Market Street, Suite 1000
Wilmington, Delaware 19801
Telephone: (302) 426-1189
Facsimile (302) 426-9193
myurkewicz@klehr.com
aradovanovich@klehr.com

and

Morton R. Branzburg (admitted *pro hac vice*)
Ryan M. Moore (admitted *pro hac vice*)
1835 Market Street, 14th Floor
Philadelphia, PA 19103
Telephone: (215) 569-2700
Facsimile: (215) 568-6603
mbranzburg@klehr.com
rmoore@klehr.com

Counsel to Defendants